

Virginia Board of Education Agenda Item



Agenda Item: C

Date: October 25, 2012

Title	Final Review of a Notice of Intended Regulatory Action (NOIRA) to Revise the <i>Licensure Regulations for School Personnel</i> (8 VAC 20-22-10 et seq.)		
Presenter	Mrs. Patty S. Pitts, Assistant Superintendent for Teacher Education and Licensure		
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Purpose of Presentation:

Action required by state or federal law or regulation.

Previous Review or Action:

Previous review and action. Specify date and action taken below:

Date: September 27, 2012

Action: First Review

Action Requested:

Final review: Action requested at this meeting.

Alignment with Board of Education Goals: Please indicate (X) all that apply:

	Goal 1: Expanded Opportunities to Learn
	Goal 2: Accountability of Student Learning
	Goal 3: Nurturing Young Learners
	Goal 4: Strong Literacy and Mathematics Skills
X	Goal 5: Highly Qualified and Effective Teachers and Administrators
	Goal 6: Sound Policies for Student Success
X	Goal 7: Safe and Secure Schools
	Other Priority or Initiative. Specify:

Background Information and Statutory Authority:

Goal 5: The *Licensure Regulations for School Personnel* set forth the requirements for teachers and administrators to become licensed. These regulations will establish policies and standards for the qualifications of instructional personnel, further ensuring educational quality for Virginia public school students.

Goal 7: In promulgating these regulations, the Board of Education would set forth requirements for the revocation, cancellation, suspension, denial, and reinstatement of licenses.

The Board of Education has the statutory authority to prescribe licensure requirements. Section [22.1-298.1](#) of the *Code of Virginia*, states, in part, the following:

...The Board of Education shall prescribe, by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license....

The *Constitution of Virginia* and the *Code of Virginia* sections below provide authority for the Board of Education to promulgate *Licensure Regulations for School Personnel*:

Constitution of Virginia ([Article VIII, Section 4](#)): “The general supervision of the public school system shall be vested in a Board of Education....”

Code of Virginia, Section [22.1-16](#). Bylaws and regulations generally.

Code of Virginia, Section [22.1-299](#). License required of teachers.

Code of Virginia, Section [22.1-305.2](#). Advisory Board on Teacher Education and Licensure.

Summary of Important Issues:

On September 21, 2007, *Licensure Regulations for School Personnel*, promulgated by the Board of Education, became effective. One additional amendment was approved on January 19, 2011, that responded to a renewal requirement enacted by the 2010 Virginia General Assembly and that was later repealed by the 2012 General Assembly.

A Notice of Intended Regulatory Action (NOIRA) is attached. A comprehensive review of the licensure regulations will be conducted. The regulations in their entirety will be examined. These regulations will be repealed, and new regulations are to be promulgated.

Impact on Fiscal and Human Resources:

The administrative impact required in promulgating these regulations will be absorbed within existing resources.

Timetable for Further Review/Action:

The timetable for further action will be governed by the requirements of the Administrative Process Act.

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends that the Board of Education approve the Notice of Intended Regulatory Action (NOIRA) to begin the process of revising the *Licensure Regulations for School Personnel*.



Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Virginia Board of Education
Virginia Administrative Code (VAC) citation	8 VAC 20-22-10 et seq.
Regulation title	<i>Licensure Regulations for School Personnel</i>
Action title	Revise the <i>Licensure Regulations for School Personnel</i>
Date this document prepared	September 11, 2012

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Purpose

Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.

Section [22.1-298.1](#) of the *Code of Virginia*, states, in part, the following: "...The Board of Education shall prescribe, by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license...."

On September 21, 2007, *Licensure Regulations for School Personnel*, promulgated by the Board of Education, became effective. One additional amendment was approved on January 19, 2011, that responded to a renewal requirement enacted by the 2010 Virginia General Assembly and that was later repealed by the 2012 General Assembly.

A comprehensive review of the licensure regulations will be conducted. The regulations in their entirety will be examined. These regulations will be repealed, and new regulations are to be promulgated.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Your citation should include a

specific provision authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency/board/person's overall regulatory authority.

Constitution of Virginia ([Article VIII, Section 4](#)): "The general supervision of the public school system shall be vested in a Board of Education...."

Code of Virginia, Section [22.1-16](#). Bylaws and regulations generally.

Code of Virginia, Section [22.1-298.1](#). Regulations governing licensure. ["The Board of Education shall prescribe, by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license."]

Code of Virginia, Section [22.1-299](#). License required of teachers.

Code of Virginia, Section [22.1-305.2](#). Advisory Board on Teacher Education and Licensure.

Need

Please detail the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, delineate any potential issues that may need to be addressed as the regulation is developed.

The proposed regulatory action is essential to protect the health, safety, or welfare of citizens as the regulations set forth the requirements for instructional personnel to become licensed by the Virginia Board of Education.

Substance

Please detail any changes that will be proposed. Be sure to define all acronyms. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed.

A comprehensive review of the licensure regulations will be conducted. The regulations will be examined in their entirety, and recommendations for revisions will be presented to the Virginia Board of Education for review.

Alternatives

Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action. Also, please describe the process by which the agency has considered or will consider other alternatives for achieving the need in the most cost-effective manner.

No specific alternatives exist. A comprehensive review of the *Licensure Regulations for School Personnel* requires regulatory action.

Public participation

Please indicate whether the agency is seeking comments on the intended regulatory action, including ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments on this notice.

Please also indicate, pursuant to your Public Participation Guidelines, whether a Regulatory Advisory Panel or a Negotiated Rulemaking Panel will be used in the development of the proposed regulation. Please state one of the following: 1) a panel will be appointed and the agency's contact if you're interested in serving on the panel is _____; 2) a panel will not be used; or 3) public comment is invited as to whether to use a panel to assist in the development of this regulatory proposal.

The agency is seeking comments on this regulatory action, including, but not limited to 1) ideas to be considered in the development of this proposal, 2) the costs and benefits of the alternatives stated in this background document or other alternatives, and 3) potential impacts of the regulation. The agency is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the *Code of Virginia*. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) the probable effect of the regulation on affected small businesses, and 3) the description of less intrusive or costly alternatives for achieving the purpose of the regulation.

Anyone wishing to submit comments may do so via the Regulatory Town Hall Web site (<http://www.townhall.virginia.gov>), or by mail, e-mail, or fax to Dr. Mark Allan, director of licensure and school leadership, Virginia Department of Education, P. O. Box 2120; Richmond, Virginia 23218-2120; (phone) 804-371-2471; (fax) 804-530-4510. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by midnight on the last day of the public comment period.

A public hearing will be held following the publication of the proposed stage of this regulatory action and notice of the hearing will be posted on the Virginia Regulatory Town Hall Web site (<http://www.townhall.virginia.gov>) and on the Commonwealth Calendar Web site (<http://www.virginia.gov/cmsportal3/cgi-bin/calendar.cgi>). Both oral and written comments may be submitted at that time.

Family impact

Assess the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The *Licensure Regulations for School Personnel* set forth the requirements for the licensing of instructional personnel, further ensuring educational quality for Virginia's public school students.

Standard regulatory process: Guide for state agencies

